

Serial No. 09/940,522

Docket No.: 1359.1052

REMARKS

In accordance with the foregoing, FIG. 1 has been corrected, responsive to Item 1 of the Action and FIG. 7 has been corrected, responsive to Item 2 of the Action.

Further, claim 10 has been amended, responsive to Item 4 of the Action, to recite "a computer-readable medium storing a program to be read and executed by a computer..." and thereby to be in compliance with the requirements of statutory subject matter under 35 U.S.C. §101. Further, claims 1, 2, and 4 have been cancelled, remaining original claims have been amended to improve form and/or to clarify salient features of the invention and new dependent claims 11-14 and new independent claims 15 and 16 have been added. No new matter is presented and, correspondingly, approval and entry of the foregoing amended drawing, amended abstract and amended and new claims are respectively requested.

STATUS OF CLAIMS OF THE ORIGINAL CLAIMS 1-10

Claims 1, 2, and 4 have been cancelled and thus claims 3-7, 9 and 10 remain pending and new claims 11-16 have been added.

In the Action, original claims 1-6 and 8-10 are rejected and claim 7 is objected to.

Claim 7 has been rewritten to independent form and is submitted to be in allowable condition.

ITEM 6: REJECTION OF CLAIMS 1, 4, 6, 8 AND 9 FOR ANTICIPATION UNDER 35 U.S.C. §102(e) BY BOHACEK ET AL. (U.S. PATENT 6,411,687);

ITEM 8: REJECTION OF CLAIMS 2 AND 3 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER BOHACEK ET AL. IN VIEW OF MARX ET AL. (U.S. PATENT 6,173,266)

ITEM 9: REJECTION OF CLAIM 5 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER BOHACEK ET AL. IN VIEW OF MARX ET AL. AND DAVIS ET AL. (U.S. PATENT 5,583,922); AND

ITEM 10: REJECTION OF CLAIM 10 FOR OBVIOUSNESS UNDER 35 U.S.C. §103(a) OVER BOHACEK ET AL.

The rejections are respectively traversed.

In relation to the rejection of claim 3 in Item 8 of the Action, the Examiner conceded the lack of any disclosure in Bohacek of the ability to "transfer a call to an operator when a response reaction time limit is exceeded...." The Action then relies on Marx with respect to a third party

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user being allowed to participate in an interaction from another terminal, citing Marx at col. 8, lines 20-31 and col. 9, lines 52-65.

However, Marx neither discloses nor suggests the comparison between the upper limit and the lower limit of the "reaction time in the ordinary interaction..." as is expressly set forth in claim 3.

Accordingly, it is submitted that the present invention would not have been obvious (§103) in view of the combination of Bohacek and Marx.

Relative to the rejection of claim 5 on the combination of Bohacek, Marx and Davis in Item 9 of the Action, the Examiner points out a feature disclosed in col. 11, lines 48-58 of Davis, discussed in the first paragraph on Page 9 of the Office Action. However, it is submitted that the feature cited by the Examiner is not that set forth in claim 5.

To the contrary, in claim 5, a participation mode of the third-party user is determined among the three modes of "involvement", "parallel input", and "switching", in accordance with progress of the interaction. Even if the above-mentioned references to Bohacek, Marx and Davis were properly combinable, the concept of varying the degree of participation by the third-party user "in accordance with the progress of interaction" as recited in claim 5 is neither disclosed in nor would the same have been obvious in view thereof.

Accordingly, applicants respectfully submit that independent claims 3 and 5 patentably distinguish over the art of record, taken in any proper combination.

In summary, independent claims 3, 5, and 7 are submitted to be allowable for respective, different reasons set forth in the foregoing. Claims 6, 8, 11, 12, 13 and 14 depend from respective ones of allowable claims 3, 5 and 7 and inherit the allowable limitations thereof and accordingly are allowable as well.

Claim 14/7 is allowable for the same reasons as independent claim 7.

Finally, method claim 15 and recording medium claim 16, respectively based on allowable claims 5 and 3, are allowable for the same reasons as claims 5 and 3, respectively.

CONCLUSION

In accordance with the foregoing, it is submitted that all the pending claims have been shown to be allowable over the art of record and, there being no further objections or rejections,

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that the application is in condition for allowance, which action is earnestly solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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